



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

May 2, 1955

Honorable Allan Shivers
Governor of Texas
Capitol Station
Austin, Texas

Opinion No. MS-207
Re: Constitutionality of
House Bill 107, 54th
Legislature fixing
compensation of grand
jury bailiffs in cer-
tain counties. 157

Dear Governor Shivers:

House Bill 107 was enacted pursuant to the authority granted the Legislature by the provisions of Section 1 of Article V of the Constitution of Texas, which provides in part as follows:

"The Legislature may establish such other courts as it may deem necessary and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the District and other inferior courts thereto."

It is well established law in this State that bills which prescribe the jurisdiction and organization of those courts which the Legislature may establish under the provisions of Section 1 of Article V of the Constitution of Texas are not governed by the provisions of Section 56 of Article III of the Constitution of Texas and local and special laws relating thereto are valid. Harris County v. Crooker, 224 S. W. 792 (Tex. Civ. App. 1920), affirmed 112 Tex. 450, 248 S. W. 652 (1923); Jones v. Anderson, 189 S. W. 2d 65 (Tex. Civ. App. 1945, error ref.); Tom Green County v. Proffitt, 195 S. W. 2d 845 (Tex. Civ. App. 1945); Neal v. Sheppard, 209 S. W. 2d 338 (Tex. Civ. App. 1948, error ref.); Jordan v. Crudgington, 149 Tex. 237, 231 S. W. 2d 641 (1950); Rector v. McClelland, 148 Tex. 372, 224 S. W. 2d 706 (1949).

The Court, in Tom Green County v. Proffitt, supra, upheld a similar bill prescribing salaries for certain official court reporters. The Court stated that in so far as the bill related to court reporters of the county courts at law it provides as an incident for the functioning of courts which the Legislature creates under express authority of Section 1 of Article V of the Constitution of Texas.

By like reasoning, it is our opinion that House Bill 107, in so far as it relates to grand jury bailiffs, provides as an incident for the functioning of the courts which the Legislature creates under express authority of Section 1 of Article V.

It is, therefore, our opinion that House Bill 107 of the 54th Legislature is constitutional.

Yours very truly,

APPROVED:

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